Cumulative Table of Cases Connecticut Appellate Reports Volume 180

| ARC Capital, LLC v . Asia Pacific Ltd | 38 |
|--|------|
| Enforcement of foreign judgment; motion to dismiss; subject matter jurisdiction; whether trial court properly concluded that foreign judgment obtained by plaintiff | |
| awarding it attorney's fees and litigation costs arising out of prior litigation with defendants could only be enforced through chapter 15 of United States | |
| Bankruptcy Code; whether chapter 15 applied when trial court gave preclusive | |
| effect to factual findings from otherwise unrelated foreign liquidation proceeding. | |
| Artiaco v. Commissioner of Correction | 243 |
| Habeas corpus; claim that trial counsel provided ineffective assistance; reviewability | |
| of claims that habeas court erred in concluding that petitioner was not denied effective assistance of trial counsel and denying petition for certification to | |
| appeal; failure to brief claims adequately. | |
| Bassford v. Bassford | 331 |
| Probate appeals; appeals to trial court from orders of Probate Court admitting dece- | |
| dent's will and determining that he was competent to revoke and to receive certain | |
| property from trust; whether trial court properly dismissed probate appeals; claim that trial court improperly concluded that decedent was competent to revoke | |
| and to receive property from trust; claim that trial court improperly concluded | |
| $that\ decedent$'s $widow\ had\ not\ exercised\ undue\ influence\ over\ decedent\ in\ securing$ | |
| execution of decedent's will; adoption of trial court's memorandum of decision | |
| as proper statement of facts and applicable law on issues. | |
| Beale v . Martins (See Rutter v . Janis) | 1 |
| Binkowski v. Board of Education | 580 |
| $Intentional\ infliction\ of\ emotional\ distress; claim\ that\ trial\ court\ improperly\ granted$ | |
| motion to strike complaint; whether complaint failed to state cause of action that | |
| fell within intentional tort exception to exclusivity provision (§ 31-293a) of | |
| Workers' Compensation Act; whether complaint failed to state cause of action | |
| under actual intent and substantial certainty standards set forth in Suarez v. | |
| Dickmont Plastics Corp. (242 Conn. 255). | 20.4 |
| Bueno v. Firgeleski | 384 |
| able; claim that three interrelated factual findings of trial court were not supported | |
| by evidence; whether trial court properly found that certain lot violated restrictive | |
| covenant, that property containing homestead was intended beneficiary of restric- | |
| tive covenant and that dominant estate did not include certain subdivision; claim | |
| that trail court erred by going beyond four corners of relevant deeds in interpreting | |
| certain language in chain of title to certain lot; whether trial court misapplied | |
| facts of present case to tests set forth in Shippan Point Assn., Inc. v. McManus | |
| (34 Conn. App. 209), and Fidelity Title & Trust Co. v. Lomas & Nettleton Co. | |
| (125Conn.373); whether trial court properly determined that restrictive covenant | |
| was not enforceable by defendants because its purpose had been frustrated by | |
| substantial and permanent change in circumstances, it had been abandoned by | |
| lack of enforcement and it did not benefit any of parties' properties. | |
| Carvalhos Masonry, LLC v. S&L Variety Contractors, LLC | 237 |
| Contracts; whether trial court should have disqualified itself from adjudicating | |
| issues of liability and damages after it recommended posttrial that parties stipu- | |
| late to judgment in amount of damages that plaintiff sought in proposed | |
| amended complaint. | 10 |
| Davidson v. Bridgeport | 18 |
| Right to privacy; negligent infliction of emotional distress; intentional infliction of | |
| emotional distress; claim that trial court improperly found that defendants did | |
| not violate plaintiff's right to privacy; whether trial court's findings were sup- ported by record; whether former police chief had authority to refer plaintiff for | |
| ported by record; whether former power that authority to refer paintiff or psychiatric independent medical examination due to concern for plaintiff's well- | |
| psychiatric independent meatcat examination are to concern for plaintiff's weu- being; whether plaintiff presented credible evidence that defendants had improper | |
| intent to invade plaintiff's privacy; whether alleged intrusion into plaintiff's | |
| seclusion was unreasonable; whether reasonable person would have found alleged | |
| intrusion highly offensive; whether plaintiff failed to carry burden to prove | |
| mentation regard officiation, whether partially failed to carry outlies to prove | |

| that defendants invaded privacy; whether trial court properly concluded that defendants did not negligently or intentionally cause plaintiff emotional distress; whether record contained evidence that defendants intended to inflict emotional distress on plaintiff or that emotional distress was likely result of sending plaintiff for psychiatric examination; whether record contained evidence that by requiring plaintiff to undergo psychiatric examination defendants created unreasonable | |
|--|-----|
| risk of emotional distress that resulted in illness or bodily harm. | |
| Dinunzio v. Dinunzio | 64 |
| Dissolution of marriage; whether trial court erred in treating plaintiff's military | 04 |
| pension as source of income rather than as property subject to equitable distribu- tion; claim that trial court properly treated plaintiff's pension as source of income because it was in pay status; whether vested pension benefits constitute property. | |
| Ferreira v. Martins (See Rutter v. Janis) | 1 |
| Gainey v. Commissioner of Correction (Memorandum Decision) | 901 |
| | |
| Gilchrist v. Commissioner of Correction | 56 |
| Habeas corpus; whether habeas court properly dismissed petition for writ of habeas corpus; whether habeas court lacked subject matter jurisdiction over habeas petition; whether petitioner alleged sufficient facts to establish that he was in custody on conviction he challenged at time he filed habeas petition; whether habeas court | |
| was obligated pursuant to applicable rule of practice (§ 23-29 [1]) to grant | |
| hearing to petitioner prior to dismissing habeas petition. | |
| Hines v. Commissioner of Correction (Memorandum Decision) | 902 |
| House v. Jones (Memorandum Decision) | 901 |
| In re Kyllan V | 132 |
| Termination of parental rights; collateral estoppel; whether trial court properly deter- | 102 |
| mined that adjudicatory ground for termination of parental rights had been fully and fairly litigated in prior petition to terminate respondent father's parental | |
| $rights\ in\ child's\ sibling;\ whether\ trial\ court\ properly\ applied\ doctrine\ of\ collateral$ | |
| estoppel in determining that petitioner had proven adjudicatory ground by clear | |
| and convincing evidence; claim that petitioner failed to demonstrate that, as | |
| result of parental acts of commission or omission, child had been denied care, | |
| guidance or control necessary for child's well-being; whether adjudicatory ground | |
| was proven without resort to collateral estoppel. | |
| McCarroll v. East Haven | 515 |
| Negligence; action for damages for injuries sustained by elementary school student | 010 |
| who fell from ladder of wooden playscape he was climbing on at elementary | |
| school playground; whether trial court properly determined that defendant town's inspection and repair of playscape on elementary school playground was discre- | |
| tionary act and, thus, subject to governmental immunity; claim that identifiable | |
| person-imminent harm exception to discretionary act immunity applied; failure | |
| of plaintiffs to demonstrate that harm was imminent. | |
| | 255 |
| Melendez v. Fresh Start General Remodeling & Contracting, LLC | 355 |
| Workers' compensation; whether Workers' Compensation Review Board properly affirmed decision of Workers' Compensation Commissioner finding that claimant was employee of respondent and subject to coverage under Workers' Compensation Act (§ 31-275 et seq.); claim that because claimant was not regularly | |
| employed for over twenty-six hours per week, he was excluded from coverage under § 31-275 (9) (B) (iv); claim that board improperly affirmed commission- | |
| er's finding that claimant was not casual laborer who was excluded from coverage under § 31-275 (9) (B) (ii), which excludes from coverage any person whose | |
| employment is of casual nature and who is employed otherwise than for purposes of employer's trade or business; reviewability of claim that commissioner's con- | |
| clusion that claimant was not casual laborer was incorrect where respondent did not file motion to correct any of commissioner's findings following operative | |
| finding and award and did not show good cause for failing to file motion to correct; claim that respondent was deprived of due process because he was not | |
| given reasonable notice that claimant sought to hold him personally liable and was not mailed notice of pro forma formal hearing and deadline to submit brief | |
| and proposed findings on issue of personal liability. | |
| Metropolitan District v. Commission on Human Rights & Opportunities | 478 |
| Declaratory judgment; subject matter jurisdiction; motion to dismiss; administra- | |
| tive appeal; exhaustion of administrative remedies requirement; whether plain- tiff had adequate administrative remedies that it failed to exhaust prior to | |
| commencing present civil action seeking declaratory judgment and injunctive relief against defendant Commission on Human Rights and Opportunities; | |

| whether plaintiff could properly commence present action seeking declaratory judgment that commission had not complied with statutory and regulatory obligations and had improperly assumed jurisdiction over complaints against plaintiff filed by independent contractors when three actions in which plaintiff was respondent presently were pending before commission; whether plaintiff could resort to avenues of declaratory relief available under Uniform Administrative Procedure Act (§ 4-166 et seq.); claim that plaintiff's action could proceed because action fell under exception to exhaustion of administrative remedies requirement that applies when administrative remedies are futile or inadequate; claim that plaintiff was not required to exhaust remedies when present action challenged jurisdiction of commission, whether inclusion of requests for injunctive relief and writ of mandamus in complaint obviated need for plaintiff to comply with exhaustion requirement; claim that exhaustion of administrative remedies | |
|--|-----|
| requirement did not apply to count of complaint alleging violation of plaintiff's federal due process rights. | |
| Micek-Holt v. Papageorge | 540 |
| Contracts; claim that defendant breached contract for purchase and sale of certain real property; claim that plaintiff breached contract for purchase and sale of certain real property; adoption of trial court's memorandum of decision as statement of facts and applicable law on issues. | 310 |
| Murray v. Suffield Police Dept. (Memorandum Decision) | 901 |
| Nassra v. Nassra | 421 |
| Dissolution of marriage; whether trial court lacked subject matter jurisdiction over motion for order of payment filed by nonparty to dissolution action; whether nonparty established classical aggrievement to have standing to file motion for order of payment of court-ordered visitation supervisor fees; whether trial court improperly determined that oral contract existed between nonparty and defendant; claim that any oral contract of parties was barred by three year statute of limitations (§ 52-581); whether oral contract that had been executed was governed by six year statute of limitations (§ 52-576); whether trial court properly ordered parties to be equally responsible for debt to nonparty; whether defendant had notice of issue of fees sought by nonparty. | |
| Papageorge v. Micek-Holt (See Micek-Holt v. Papageorge) | 540 |
| Rutter v. Janis Personal injury; whether trial court properly granted motions for summary judyment; claim that trial court erred in concluding that there were no genuine issues of material fact regarding thirty day period to be applied pursuant to statute (§ 14-60 [a]) that permits car dealer to loan dealer number plate to purchaser of vehicle for period of not more than thirty days while registration of new vehicle is pending; whether trial court erred in computing thirty day period pursuant to § 14-60 (a); whether trial court erred in concluding that there were no genuine issues of material fact that defendant failed to comply with requirements of § 14-60 (a). | 1 |
| Ryan v. Cassella | 461 |
| Debt collection; claim that trial court improperly granted motion to correct default judgment because court failed to specify legal basis for its decision; whether misspelling of defendant's name by one letter constituted circumstantial defect that was correctable pursuant to applicable statute (§ 52-123); whether trial court had authority to grant motion to correct more than four months after default judgment had been rendered; claim that trial court abused its discretion in denying motion to open and vacate order granting motion to correct. | |
| Silver v . Commissioner of Correction | 592 |
| Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that trial counsel failed to adequately advise petitioner regarding possible plea agreement with state; credibility of witnesses; whether petitioner failed to sustain burden of demonstrating that counsel's performance was deficient. | |
| State v. Angel M | 250 |
| Sexual assault in first degree; attempt to commit sexual assault in first degree; risk of injury to child; claim that trial court abused its discretion by admitting evidence of uncharged sexual misconduct involving defendant's daughter; claim that uncharged misconduct evidence was irrelevant because abuse of victim occurred several years before alleged abuse of daughter and there was familial difference between daughter and victim, who was defendant's stepdaughter; whether probative value of uncharged misconduct evidence was outweighed by | |

prejudicial effect; claim that prosecutorial improprieties deprived defendant of

| fair trial; reviewability of unpreserved evidentiary claim; claim that prosecutor improperly appealed to passions or prejudices of jury with references to defendant's ethnicity and ability to speak English; claim that prosecutor improperly asked defendant to comment on veracity of witnesses' testimony; claim that trial court improperly increased defendant's sentence in order to penalize him for invoking his fifth amendment privilege against self-incrimination. | |
|--|-----|
| State v. Daniel W | 76 |
| assault in first degree; sexual assault in fourth degree; conspiracy to commit risk of injury to child; attempt to commit risk of injury to child; whether trial court abused its discretion in admitting certain uncharged sexual misconduct evidence to prove that defendant had propensity to sexually assault young girls; whether defendant's initial advances toward minor victim and uncharged misconduct witness were sufficiently similar; claim that minor victim and uncharged misconduct witness were not similarly situated; claim that uncharged misconduct evidence was unduly prejudicial because it allowed jury to conclude that defendant had propensity to sexually assault young girls; reviewability of unpreserved claim that certain testimony of social worker exceeded bounds of permissible constancy of accusation evidence; whether trial court abused its discretion in determining that social worker was qualified to render expert opinion as to delayed disclosure by and common behaviors of child sexual abuse victims; claim that prosecutor committed improprieties during trial and closing argument that deprived defendant of fair trial. | |
| State v. Hudson | 440 |
| Conspiracy to commit assault in first degree; whether there was sufficient evidence to support defendant's conviction; whether jury reasonably could have drawn inference that beating of victim had been administered by another person in furtherance of mutual plan with defendant that assault of victim be carried out; whether jury reasonably could have found beyond reasonable doubt that defendant had conspired with other person to commit assault in first degree by inflicting serious physical injury on victim by means of dangerous instrument and that other person had committed overt act in furtherance of conspiracy. | |
| State v. Kaminski (Memorandum Decision) | 902 |
| State v. Lima | 48 |
| State v. Louis D. Criminal possession of firearm; criminal violation of protective order; whether trial court improperly consolidated three informations for trial; whether three informations involved discrete, factually distinguishable scenarios; whether trial court improperly denied motion for judgment of acquittal; whether there was sufficient evidence to establish that state had proven beyond reasonable doubt that defendant was afforded notice and opportunity to be heard prior to issuance of subject protective order, as required by statute ([Supp. 2014] § 53a-217 [a]); whether defendant was entitled to evidentiary hearing prior to issuance of protective order; whether arraignment provided defendant with required notice and opportunity to be heard. | 527 |
| State v. Moore | 116 |

| excessive in violation of the state and federal constitutions; reviewability of state constitutional claim where defendant failed to provide independent analysis of state constitutional claim pursuant to factors set out in State v. Geisler (222 Conn. 672); whether Geisler factors controlled defendant's state constitutional claim. | |
|---|------------|
| State v. Smith | 181 |
| challenged evidence was related to defendant's exculpatory theories advanced at trial; whether, apart from challenged evidence related to defendant's post-Miranda silence, state established guilt of defendant beyond reasonable doubt. | |
| State v. Smith Motion to correct illegal sentence; kidnapping in first degree; felony murder; robbery in first degree; manslaughter in first degree; claim that sentence was illegal because conviction of felony murder and predicate offenses violated defendant's fifth amendment protection against double jeopardy; claim that trial court abused its discretion in denying motion to correct illegal sentence when during sentencing phase, sentencing court merged convictions for felony murder and manslaughter in first degree; claim that vacatur, not merger, was required pursuant to State v. Polanco (308 Conn. 242) and State v. Miranda (317 Conn. 741); whether rules in Polanco and Miranda applied retroactively when defendant's conviction | 371 |
| became final before rules in Polanco and Miranda were established, and both cases involved exercise of supervisor powers by our Supreme Court and announced rules that were based strictly on policy considerations. | |
| State v. Soyini | 205 |
| Murder as accessory; conspiracy to commit murder; whether evidence was sufficient to show that defendant had intent to commit murder as accessory and conspiracy to commit murder; whether evidence was sufficient to show that agreement existed between defendant and accomplice to cause death of victim and that defendant had intent to cause death of victim; whether jury reasonably could have inferred that defendant knowingly and wilfully assisted accomplice in acts that prepared | |
| for and facilitated victim's murder; unpreserved claim that trial court violated defendant's right to fair trial when it failed to instruct jury that it could not use accomplice's previous guilty plea to find that crime of murder had been proven beyond reasonable doubt; unpreserved claim that trial court committed plain error by giving jury unwarranted special credibility instruction on accomplice testimony. | |
| State v. Thomas (Memorandum Decision) | 901 291 |
| Felony murder, manslaughter in first degree with firearm, attempt to commit robbery in first degree; criminal possession of pistol or revolver; unpreserved claim that trial court violated defendant's right to confrontation by allowing supervisory forensics examiner to testify about DNA sample that was processed by another analyst in same laboratory without requiring that analyst to testify; whether trial court violated defendant's right to fair trial by declining to strike witness' incourt identification of defendant or to grant motion for mistrial where defendant claimed that witness' pretrial identification of him from photograph in prosecutor's office resulted from unnecessarily suggestive identification procedure; whether trial court abused its discretion in declining to strike witness' in-court identification of defendant or to declare mistrial as sanctions against state; whether trial court improperly concluded that conspiracy existed when it admitted certain testimony under coconspirator exception to hearsay rule; unpreserved claim that trial court improperly denied motion to sever defendant's trial from that of codefendant where defendant claimed that evidence was admitted that would not have been admissible against him at separate trial; whether trial court abused its discretion in admitting certain evidence; whether conviction of felony murder and manslaughter in first degree violated constitutional provision against double jeopardy when both charges arose from single act of killing victim. | |
| Traylor v. Gambrell | 459 |

| | 902 143 |
|--|------------|
|--|------------|